

# Formal Council Meeting Agenda



**REVISED**

**Tempe City Council  
Formal Council Meeting  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street, Tempe, Arizona  
Thursday, September 06, 2012  
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

**1. INVOCATION - Councilmember Arredondo-Savage**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES - Councilmember Woods**

**A. Approval of Council Meeting and Council Committee Meeting Minutes**

1. [Issue Review Session - May 31, 2012, June 14, 2012 and June 28, 2012](#)
2. [Executive Session - August 9, 2012](#)
3. [City Council Neighborhood Quality of Life and Revitalization Committee - January 24, 2012](#)
4. [City Council Special Budget - June 28, 2012](#)

**B. Acceptance of Committee, Board & Commission Meeting Minutes**

1. [Municipal Arts Commission - November 9, 2011, February 8, 2012 and March 14, 2012](#)
2. [Historical Museum Advisory Board - May 3, 2012](#)
3. [Human Relations Commission - June 12, 2012](#)
4. [Hearing Officer - July 17, 2012](#)
5. [Historic Preservation Commission - July 12, 2012 and July 14, 2012](#)

**4. REPORTS AND ANNOUNCEMENTS**

**A. Mayor's Announcements**

1. **Tempe Police Commendation for Mr. John Standifird-Berlinger**
2. **APS Presentation of Energy Retrofits Rebate Check to the City of Tempe**
3. **9th Annual Healing Field 9/11 Memorial**
4. **Board and Commission Appointments**
5. **Tempe Center for the Arts (TCA) - 5th Anniversary**

**B. Manager's Announcements**

## 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

### A. Miscellaneous Items

- A1. [Request approval of the July 2012 Report of Claims Paid to be filed for audit.](#)

|                      |  |
|----------------------|--|
| <b>COMMENTS</b>      | This report is a compilation of all payments made through the City's accounts payable system during July 2012 that will be subject to audit by the City's external auditors. |
| <b>DOCUMENT NAME</b> | 20120906fsnw01 ACCOUNTS PAYABLE (0208-01)  |

- \*A2. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Jamaican Fred LLC, dba Cheba Hut Tempe, 960 West University Drive #108.](#)

|                      |  |
|----------------------|--|
| <b>COMMENTS</b>      | Dorian Ray Lenz is the Agent for this application. |
| <b>DOCUMENT NAME</b> | 20120906 fsap01 126553 LIQ LIC (0210-02)           |

- \*A3. [Hold a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Low's Enterprises LLC dba Low's Gas and Auto Repair Center, 7602 South McClintock Drive.](#)

|                      |   |
|----------------------|---|
| <b>COMMENTS</b>      | Albert Lee is the Agent for this application. |
| <b>DOCUMENT NAME</b> | 20120906 fsap02 204100 LIQ LIC (0210-02)      |

- \*A4. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Vincitorio Inc., dba Vincitorio's Restaurant, 1835 East Elliot Road, #C109.](#)

|                      |   |
|----------------------|---|
| <b>COMMENTS</b>      | Mario Vincitorio is the Agent for this application. |
| <b>DOCUMENT NAME</b> | 20120906 fsap03 103157 LIQ LIC (0210-02)            |

- \*A5. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Mad G's Tavern LLC, dba Mad G's Tavern, 19 East Broadway Road.](#)

**COMMENTS** Andrea Dahlman Lewkowitz is the Agent for this application.  
**DOCUMENT NAME** 20120906 fsap04 203872 LIQ LIC (0210-02)

- \*A6. [Hold a public hearing to recommend the approval of a Series 06 bar liquor license for Arizona Board of Regents acting for and on behalf of Arizona State University, dba Karsten Golf Course at ASU, 1125 East Rio Salado Parkway.](#)

**COMMENTS** Randy D. Nations is the Agent for this application.  
**DOCUMENT NAME** 20120906 fsap05 204239 – LIQ LIC (0210-02)

- \*A7. [Hold a public hearing for an appeal of previously approved Use Permits for CASA DE SMITH located at 1724 South Ventura Drive.](#)

**COMMENTS** Hold a public hearing for an appeal of the June 14, 2012 Development Review Commission decision to overturn the Use Permit approved for CASA DE SMITH (PL120053) (W. Brent Armstrong, ISOS Architecture, Dave Smith, property owner) located at 1724 S. Ventura Drive in the R1-6, Single Family Residential District for: UPA12011 (ZUP12021) – Use Permit standard to reduce the rear yard setback by twenty percent (20%) from 15 feet to 12 feet (as measured from midpoint of alley). UPA12012 (ZUP12022) – Use Permit to allow a second story addition UPA12013 (ZUP12023) – Use Permit to increase the allowable wall height within the front yard setback from 4' to 6'  
**DOCUMENT NAME** 20120906cdsl01 PLANNED DEVELOPMENT (0406)

- A8. [Request approval of a Final Subdivision Plat for 1006 MCCLINTOCK located at 1006 South McClintock Drive.](#)

**COMMENTS** Request for 1006 MCCLINTOCK (PL120236) (The Southland Corporation, property owner; Laurie Castillo, Survey Innovation Group, applicant) consisting of the subdivision of one parcel into two lots, with the north lot consisting of an existing 7-Eleven and the south lot vacant, located at 1006 South McClintock Drive in the CSS, Commercial Shopping and Services District. The request includes the following: SBD12008 – Final Subdivision Plat consisting of two (2) lots on 1.002 acres.

**DOCUMENT NAME** 20120906cdrl01 PLANNED DEVELOPMENT (0406)

- A9. [Request approval of a Final Subdivision Plat for ARGONIA AT TOWN LAKE located at 601 W. Rio Salado Parkway.](#)

**COMMENTS** Request for ARGONIA AT TOWN LAKE (PL110131) (Jason Ottman, Evergreen Development Co., property owner; Brent Fike, Todd & Associates Inc., applicant) consisting of a Subdivision Plat to combine six lots into one to allow construction of a 604,105 s.f., mixed-use building on podium parking on approximately 5.72 net acres, located at 601 W Rio Salado Parkway in the MU-4 Mixed Use District. The request includes the following:

SBD12010 - Final Subdivision Plat to create one (1) lot on 5.72 net acres.

**DOCUMENT NAME** 20120906 cddk01 PLANNED DEVELOPMENT (0406)

- A10. [Request approval of a Final Subdivision Plat for RURAL AND LAKESHORE RESTAURANTS located at 4455 S. Rural Road.](#)

**COMMENTS** Request for RURAL AND LAKESHORE RESTAURANTS (PL120121) (Holly James, D.R.Horton, Inc., property owner; Wayne Sterling, Sterling Design Associates, LLC, applicant) consisting of Lot 1, a one-story 1,725 s.f. restaurant and Lot 2 a one-story 3,500 s.f. building for two restaurants for a total of 5,225 s.f., on 1.23 net acres, located at 4455 S. Rural Road in the PCC-2, Planned Commercial Center, District. The request includes the following: SBD12005 – Final Subdivision Plat to create two (2) lots: 22,208 s.f. Lot 1 and 30,809 s.f. Lot 2 totaling 1.23 net acres.

**DOCUMENT NAME** 20120906cddk02 PLANNED DEVELOPMENT (0406)

- A11. [Authorize release of memorandum dated February 8, 2008, from the City Attorney to Mayor and Council.](#)

**COMMENTS** Advice and legal opinions from the City Attorney to the City of Tempe, as represented by its elected and appointed officials, are protected from disclosure by the attorney-client privilege. The privilege can only be waived by the client. Approval of this item waives the attorney-client privilege for this confidential memorandum only, and would permit release of the document upon request.

**DOCUMENT NAME** 20120906caabc01

- A12. [Request approval of board and commission appointments.](#)

**COMMENTS** N/A

**DOCUMENT NAME** 20120906ccbk01 0102-01-00 BDS, COMMISSIONS, COMMITTEES ADM

**B. Award of Bids/Contracts**

- B1. [Request approval to utilize a Pima County contract with Plohal, Inc., dba Coyote Honda, for the purchase of seven \(7\) police motorcycles.](#)

**COMMENTS** Total cost of this contract will not exceed \$190,000.

**DOCUMENT NAME** 20120906fsta03 PURCHASES (1004-01)

- B2. [Request approval of a one-year contract renewal with Sierra Auction Management, Inc. for auction services utilized to dispose of police confiscated property and City surplus property.](#)

**COMMENTS** Total sales volume generated by the contract is estimated at \$400,000.

**DOCUMENT NAME** 20120906fsta04 PURCHASES (1004-01)

- B3. **ITEM REMOVED/DELETED FROM THE AGENDA.** Request approval to utilize State of Arizona contracts with Bingham Equipment, AP Medallion Golf, John Deere and Simpson Norton for the purchase of park/golf course maintenance equipment and utility vehicles.

- B4. [Request approval of a one-year contract renewal with US Lighting Technology for the purchase of energy efficient cobra head induction lighting fixtures to be installed in residential neighborhoods by the Public Works Department.](#)

**COMMENTS** Total cost of this contract will not exceed \$100,000 during the one-year renewal period.

**DOCUMENT NAME** 20120906fsta06 PURCHASES (1004-01)

- B5. [Request approval of a one-year contract renewal with Stanley Convergent Security Solution, Inc. for security system installation and maintenance overseen by the Public Works Department.](#)

**COMMENTS** The total cost of this contract renewal will not exceed \$150,000.

**DOCUMENT NAME** 20120906fsta07 PURCHASES (1004-01)

- B6. [Request approval of one-year contract renewals with Clean Harbors Environmental Services and PSC Environmental Services, LLC for the transportation and disposal of hazardous materials for the Public Works Department.](#)

**COMMENTS** Total combined cost of these two one-year contract renewals will not exceed \$350,000.

**DOCUMENT NAME** 20120906fsta08 PURCHASES (1004-01)

- B7. [Request approval to utilize a one-year National Intergovernmental Purchasing Alliance \(National IPA\) contract issued by the City of Tucson to Network Services Company, a nationwide consortium of janitorial suppliers including the City's current provider – Waxie Janitorial Supply – for the purchase of janitorial supplies used by the Public Works Department.](#)

**COMMENTS** Total cost of the one-year contract will not exceed \$175,000.

**DOCUMENT NAME** 20120906fsta09 PURCHASES (1004-01)

- B8. [Request approval to award one-year contracts with four one-year renewal options to RWC International, Midway Chevrolet, Empire Southwest, AP Medallion Golf, Arizona Machinery, Liberty GMC and Simpson Norton Corporation for the purchase of reconditioned or certified used vehicles and equipment to be managed by the Public Works Department.](#)

**COMMENTS** Total combined cost of these contracts will not exceed \$175,000 during the initial one-year contract period.

**DOCUMENT NAME** 20120906fsta11 PURCHASES (1004-01)

- B9. [Request approval of a one-year contract renewal with G4S Secure Solutions and Truly Every Assignment Matters, LLC to provide armed and unarmed security officer services for various City departments.](#)

**COMMENTS** Total combined cost of this one-year contract renewal shall not exceed \$800,000.

**DOCUMENT NAME** 20120906fsmg16 PURCHASES (1004-01)

- B10. [Request approval to utilize one-year State of Arizona cooperative contracts with Fisher Scientific Company, LLC and VWR International, Inc. for the purchase of laboratory supplies and equipment for the Public Works Department.](#)
- COMMENTS** The total combined cost of these contracts will not exceed \$225,000 for the one-year contract term.
- DOCUMENT NAME** 20120906fst17 PURCHASES (1004-01)
- B11. [Request approval to utilize a one-year State of Arizona contract with CenturyLink Inc. for local and long distance telephone and data services utilized by all City departments.](#)
- COMMENTS** Total cost of this contract will not exceed \$370,000 during the one-year contract period.
- DOCUMENT NAME** 20120906fst21 PURCHASES (1004-01)
- B12. [Request award of a construction contract with B&F Contracting, Inc. for installation of traffic signal foundations.](#)
- COMMENTS** Total amount for the construction contract shall not exceed \$320,500.
- DOCUMENT NAME** 20120906pwwr05 TRAFFIC SIGNAL MAINTENANCE ADMIN (1105-06) PROJECT NO. 6903382
- B13. [Request approval of a contract between Maricopa County and the City of Tempe to fund the Kid Zone Enrichment Program for Arizona Nutrition Network Services; and approval to disburse the funds.](#)
- COMMENTS** Maricopa County will pay \$485,178 to the City of Tempe Kid Zone Enrichment Program for Arizona Nutrition Network Services for the 2012/2013 fiscal year. No matching funds are required by Tempe.
- DOCUMENT NAME** 20120906csjr01 COMMUNITY SERVICES ADMIN (0701-01)
- B14. [Request award of a construction contract with ITS Engineers & Constructors of Utah, Inc. for furnishing and installing fiber optic cable.](#)
- COMMENTS** Total amount for the construction contract is \$220,242.94 and the project contingency amount is \$22,000.
- DOCUMENT NAME** 20120906pwwr04 TRAFFIC SIGNAL MAINT ADM (1105-05) PROJECT NO. 6904471
- B15. [Request approval to award two-year contracts with three, one-year renewal options to Artistic Land Management, Inc., East Valley Disaster Services, Inc., Jack Harrington, Seamless Services, Inc., and Somerset Landscape Maintenance, Inc. to provide property nuisance abatement services for the Community Development Department.](#)
- COMMENTS** Total cost of these contracts will not exceed \$100,000 during the initial two-year contract period.
- DOCUMENT NAME** 20120906fslg12 PURCHASES (1004-01)
- B16. [Request approval to utilize six-month State of Arizona contract extensions with Corporate Job Bank and Kelly Services for temporary staffing services utilized throughout the City.](#)

- COMMENTS** The total cost of these two contracts will not exceed \$600,000 during the six-month contract renewal period.  
**DOCUMENT NAME** 20120906fsta01 PURCHASES (1004-01)
- B17. [Request approval to award a two-year contract with three, one-year renewal options to Mission Linen and Uniform Service to provide uniform, floor mat, and shop towel rental and laundry services for the Public Works Department.](#)
- COMMENTS** Total cost of this contract will not exceed \$90,000 during the initial two-year contract period.  
**DOCUMENT NAME** 20120906fslg20 PURCHASES (1004-01)
- B18. [Request to award a one-year Limited Source contract with four one-year renewal options to MHA Consulting, Inc. for disaster recovery consulting services for the City's Information Technology Business Continuity Program that is managed by the Finance and Technology Department.](#)
- COMMENTS** Total cost of this contract shall not exceed \$90,000 during the one year contract term.  
**DOCUMENT NAME** 20120906fst19 PURCHASES (1004-01)
- B19. [Request approval to utilize a one-year Maricopa County contract with Comforce for information technology consulting services to be used on an as needed basis by the Finance and Technology Department.](#)
- COMMENTS** Total cost of this contract shall not exceed \$250,000 during the one-year contract period.  
**DOCUMENT NAME** 20120906fst14 PURCHASES (1004-01)
- B20. [Request approval of a one-year contract renewal with Aquatic Consulting and Testing for water quality sampling, testing, aquatic weed control and insect monitoring services for use by the Public Works and Community Development Departments.](#)
- COMMENTS** Total cost of this contract shall not exceed \$296,070 during the one-year renewal period.  
**DOCUMENT NAME** 20120906fst18 PURCHASES (1004-01)
- B21. [Request approval of a one-year contract renewal with Badger Meter, Inc. for the purchase of 2" through 10" water meters and repair parts for the Public Works Department.](#)
- COMMENTS** Total cost of this contract shall not exceed \$350,000 for the one-year renewal term.  
**DOCUMENT NAME** 20120906fst13 PURCHASES (1004-01)
- B22. [Request approval to award a one-year contract with four, one-year renewal options to A Mind for Detail, Inc. for bus stop, shelter, and transit center trash removal and cleaning services for use by the Public Works Department.](#)
- COMMENTS** Total cost of this contract will not exceed \$425,000 during the initial one-year contract period.  
**DOCUMENT NAME** 20120906fslg22 PURCHASES (1004-01)



- B23. [Request approval of an amendment to the Insight Bowl Participation Agreement between the City of Tempe and the Valley of the Sun Bowl Foundation to reduce the City's financial support obligations and provide additional assistance with game day expenses, in lieu of sponsoring the annual block party.](#)

**COMMENTS** Amendment No. 1 to the Agreement with Valley of the Sun Bowl Foundation for the Insight Bowl, n.k.a. the Buffalo Wilds Wings Bowl, will reduce Tempe's financial obligation by \$100,000 each year of the remaining term of the contract, through 2013. In addition, the Foundation will pay \$75,000 to Tempe and half of the game day expenses. In exchange, the Foundation will not be obligated to put a team in a Tempe hotel or sponsor the annual block party.

**DOCUMENT NAME** 20120906ca01 VALLEY OF THE SUN BOWL FOUNDATION (0105-01)

**C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action**

- \*C1. [Introduction and first public hearing to adopt an ordinance abandoning four waterline easements south of Apache Boulevard, between Rural Road and Terrace Road. The second public hearing is scheduled for September 20, 2012.](#)

**COMMENTS** The District on Apache is being constructed at 941 East Apache Boulevard. Four existing waterline easements were previously dedicated for waterline services to the site. The site has been redesigned and the locations of the waterlines have been changed. A new easement will be dedicated by the developer to provide access to public waterlines which will be constructed with the project.

**DOCUMENT NAME** 20120906pwko03 ABANDONMENT OF WATERLINE EASEMENT (0901) ORDINANCE NO. 2012.30.

- \*C2. [Introduction and first public hearing to adopt an ordinance approving a lease agreement with Chicanos Por La Causa, Inc. for property located at 927 East Eighth Street, Tempe, AZ. The second public hearing is scheduled for September 20, 2012.](#)

**COMMENTS** Chicanos Por La Causa, Inc. shall pay City rent for the leased premises in the sum of One Dollar (\$1.00) per year. The City shall pay for all utilities including electric, gas, water, sewer and solid waste disposal. Lessee shall pay for telephone, Internet, wi-fi and cable services.

**DOCUMENT NAME** 20120906csbr TEMPE HISTORICAL MUSEUM (0705-04) ORDINANCE NO. 2012.44

- \*C3. [Introduction and first public hearing to adopt an ordinance amending Chapter 12, Article IV, Tempe City Code, relating to Storm Water Retention. The second public hearing is scheduled for September 20, 2012.](#)

**COMMENTS** The ordinance will amend the City Code to clarify the purpose of Tempe's Storm Water Retention ordinance; to provide flexibility in the retention ordinance for those properties where drainage alternatives



and storm water pollution prevention alternatives can meet the objectives of the ordinance; to ensure that property and City infrastructure are not adversely impacted by drainage from new development and redevelopment; to protect the water quality of Tempe Town Lake; and to incorporate other minor administrative changes.

**DOCUMENT NAME** 20120906pwdr06 WATER ADMIN (0811-00) ORDINANCE NO. 2012.45

**D. Ordinances and Items for Second Hearing/Final Adoption**

- \*D1. [Second and final public hearing to adopt an ordinance for the lease of real property to FSAL, Inc. / Tempe Adult Day Care for the Freestone House located at 2303 East Maryland Drive, Tempe, Arizona; and authorizing the Mayor to execute the lease and attendant documents.](#)

**COMMENTS** The lessee pays \$100 per month for the leased premises, and all operating costs, including utility charges and telephone.

**DOCUMENT NAME** 20120906 VICTORY ACRES ELDERLY HOUSING (0408-01) ORDINANCE NO. 2012.34

- \*D2. [Second and final public hearing to adopt an ordinance abandoning a portion of an existing public waterline easement north of Baseline Road, east of Jentilly Lane.](#)

**COMMENTS** The existing waterline easement is being abandoned to accommodate construction for new development at the Lake Country Village. New waterlines have been installed and removal of the previously installed waterline has been completed. A new easement has been dedicated for the new waterline and appurtenances.

**DOCUMENT NAME** 20120906pwko01 ABANDONMENT (0901) ORDINANCE NO. 2012.36

- \*D3. [Second and final public hearing to adopt an ordinance authorizing the abandonment of a portion of an existing Landscaping, Signage, Pedestrian, Bike Path, Drainage, Construction Slope and Public Utility Easement lying within Lot 4 of Papago Park Center – Phase 1, recorded in the office of the Maricopa County Recorder, Book 619 of Maps, Page 45.](#)

**COMMENTS** This part of the existing easement lies under an existing parking garage that has been constructed on the parcel. The owner of the parcel has requested abandonment of this portion of the easement in order to remove the easement encumbrance for future sale of the property.

**DOCUMENT NAME** 20120906pwko02 ABANDONMENT (0901) ORDINANCE NO. 2012.37

- \*D4. [Second and final public hearing to adopt an ordinance amending Chapter 33, Article V, Tempe City Code, relating to Cross-Connection Control, by amending Section 33-111, relating to Penalty.](#)

**COMMENTS** This ordinance will amend the City Code to bring uniformity to the City's enforcement authorities and powers for violations of the City's ordinances on Stormwater Pollution Control (Chapter 12, Article VI),

Sewers – Pretreatment (Chapter 27, Article I), and Cross-Connection Control (Chapter 33, Article V). Following the adoption of this ordinance, an Enforcement Response Plan outlining the proposed response to suspected violations of these ordinances will be submitted to Council for its approval.

The purpose of Tempe's cross-connection control program is to protect the public water supply from the possibility of contamination or pollution by preventing backflow of non-potable water into the public potable water supply. Currently, the City Code provides little enforcement authority or flexibility to ensure compliance with the cross-connection program. The ordinance will amend the City Code to (i) provide a broader and more flexible ability to enforce the cross-connection control program, (2) authorize the adoption of an enforcement response plan dealing with violations of the City Code provisions dealing with the cross-connection program, and (3) authorize combining the enforcement response plan for violations of the City Code provisions dealing with the cross-connection program with the enforcement response plans for other violations of the City Code which are protective of water quality to assure uniformity to the City's enforcement response.

**DOCUMENT NAME** 20120906PWDM02 WATER ADMIN (0811-00) ORDINANCE NO. 2012.39

\*D5. [Second and final public hearing to adopt an ordinance amending Chapter 12, Article VI, Tempe City Code, relating to Storm Water Pollution Control, by amending Section 12-149, relating to Civil Penalties, and by adding a new Section 12-153, relating to Enforcement Response Plan And Penalty Policy.](#)

**COMMENTS**

This ordinance will amend the City Code to bring uniformity to the City's enforcement authorities and powers for violations of the City's ordinances on Stormwater Pollution Control (Chapter 12, Article VI), Sewers – Pretreatment (Chapter 27, Article I), and Cross-Connection Control (Chapter 33, Article V). Following the adoption of this ordinance, an Enforcement Response Plan outlining the proposed response to suspected violations of these ordinances will be submitted to Council for its approval.

The discharge permit for stormwater recently issued to Tempe by the Arizona Department of Environmental Quality requires Tempe for the first time to adopt an enforcement response plan for violations of the Clean Water Act provisions dealing with stormwater. (AZPDES Permit No. AZS-000005-2010, Appendix A, Part III(G)). The ordinance will amend the City Code to (i) authorize the adoption of an enforcement response plan dealing with violations of stormwater provisions of the City Code as required by AZPDES Permit No. AZS-000005-2010, (2) authorize combining the enforcement response plan for violations of City Code stormwater provisions with the enforcement response plans for other violations of the City Code which are protective of water quality to assure uniformity to the City's enforcement response, and (3) bring uniformity to the civil penalty provisions of these various City Code provisions to allow for a uniform and combined enforcement response plan.

**DOCUMENT NAME** 20120906PWDM03 WATER ADMIN (0811-00) ORDINANCE NO. 2012.40

- \*D6. [Second and final public hearing to adopt an ordinance amending Chapter 27, Article I, Tempe City Code, relating to Sewers - Pretreatment, by repealing Section 27-65, relating to Discharge Violations, by repealing Section 27-66, relating to Enforcement; Penalties, and by amending Section 27-95, relating to Enforcement Response Plan And Penalty Policy.](#)

**COMMENTS**

This ordinance will amend the City Code to bring uniformity to the City's enforcement authorities and powers for violations of the City's ordinances on Stormwater Pollution Control (Chapter 12, Article VI), Sewers – Pretreatment (Chapter 27, Article I), and Cross-Connection Control (Chapter 33, Article V). Following the adoption of this ordinance, an Enforcement Response Plan outlining the proposed response to suspected violations of these ordinances will be submitted to Council for its approval. This ordinance also repeals certain duplicative City Code provisions dealing with enforcement of Tempe City Code, Chapter 27, Article I.

Regulations adopted under the Clean Water Act require publicly owned treatment works to develop and implement enforcement response plans to detail how violations of the Clean Water Act by industrial users will be investigated and enforced. See 40 C.F.R. § 403.8. The ordinance will amend the City Code to (i) update the process by which Tempe adopts its enforcement response plan, (ii) eliminate duplicative provisions of Chapter 27 of the City Code dealing with the enforcement response plan, and (iii) authorize combining the enforcement response plan for violations of the Clean Water Act by industrial users with enforcement response plans for other violations of the City Code which are protective of water quality to assure uniformity to the City's enforcement response..

**DOCUMENT NAME** 20120906PWDM04 WASTE WATER ADMIN (0812-01) ORDINANCE NO. 2012.41

- \*D7. [Second and final public hearing to adopt an ordinance for the TEMPORARY SIGN PROGRAM.](#)

**COMMENTS**

Request for TEMPORARY SIGN PROGRAM (PL100056) (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for an extension of temporary sign allowances and temporary banners to advertise vacant commercial space. The request includes the following: ZOA12001 (Ordinance No. 2012.43) – Code Text Amendment for Sections 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Special Event Sign; and Section 4-906, Leasing Banner Sign.

**DOCUMENT NAME** 20120906cdrl01 ZONING & DEVELOPMENT CODE (0414-04) ORDINANCE NO. 2012.43

**E. Resolutions**

- E1. [Request adoption of a resolution authorizing the Mayor to execute the Grant Award Agreement between the United States Department of Justice, Drug Enforcement Administration \(DEA\) and the City of Tempe, for the purpose of accepting and spending federal grant funds for the provision of fighting drug related crimes.](#)

**COMMENTS** The United States Department of Justice, Drug Enforcement Administration has awarded \$17,202.25 to Tempe through September 30, 2013.

**DOCUMENT NAME** 20120906pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.103

- E2. [Request adoption of a resolution authorizing the execution of an Intergovernmental Agreement between the Federal Bureau of Investigation \(FBI\) and the City of Tempe for the continued use of the telecommunications facility located on Bell Butte.](#)

**COMMENTS** In 2004, Tempe granted authorization to the FBI to install and operate a radio repeater site in the City telecommunications facility located on Bell Butte (C2004-179) to provide coverage for their operations within Tempe. At present, the FBI has requested authorization to replace this repeater with upgraded equipment and extend the authorization to operate in the facility for 10 additional years.

**DOCUMENT NAME** 20120906ftdh01 RESOLUTION NO. 2012.104

- E3. [Request adoption of a resolution authorizing the Mayor to execute the Grant Award Agreement between the State of Arizona, Arizona Peace Officer Standards and Training board \(AZ POST\) and the City of Tempe, for the purpose of accepting and spending grant funds.](#)

**COMMENTS** The Arizona Peace Officer Standards and Training Board has awarded \$166,000 annually to Tempe through September 1, 2015.

**DOCUMENT NAME** 20120906pdmk02 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.105

- E4. [Request adoption of a resolution adopting the Public Involvement Plan for Tempe General Plan 2040.](#)

**COMMENTS** The Public Involvement Plan identifies the audience, communication methods and public meetings that are planned to obtain the requisite public input for the update of the City's General Plan.

**DOCUMENT NAME** 20120906cdnr01 GENERAL PLAN (0401-01) RESOLUTION NO. 2012.106

- E5. [Request adoption of a resolution authorizing the Mayor to sign an intergovernmental agreement with Arizona State University \(ASU\) for the funding of urban and neighborhood circulator services.](#)

**COMMENTS** ASU will contribute a total of \$814,292 to the operation of urban (FLASH) and neighborhood circulator bus services (Orbit) in FY 2012-13.

**DOCUMENT NAME** 20120906pwmn01 TRANSPORTATION PLANNING (1101-01)  
RESOLUTION NO. 2012.107

- E6. [Request adoption of a resolution authorizing the Mayor to sign the fiscal year 2012-13 light rail operations funding agreement with Valley Metro Rail, Inc. \("METRO"\) for the City of Tempe's proportionate share of light rail operating costs.](#)

**COMMENTS** Gross cost is \$10,548,796. Revenue is estimated at \$3,651,960. Estimated net cost to Tempe is \$6,896,836

**DOCUMENT NAME** 20120906pwmn02 TRANSPORTATION PLANNING (1101-01)  
RESOLUTION NO. 2012.108

## 6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

## 7. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

B. Unscheduled

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)**  
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**Video replay of this meeting is available the next day at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11).**